

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL C. SCIARRA, PETER
VENTRICELLI, MICHAEL A. SCIARRA,
and MARK VENTRICELLI,

Defendants.

Criminal No. 09-863 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court upon the omnibus motion filed by Defendant Michael A. Sciarra for various relief [docket entry 44], in which Defendant Michael C. Sciarra joins; and also upon the omnibus motion filed by Defendant Michael C. Sciarra for various relief [docket entry 45], in which Defendant Michael A. Sciarra joins; and Plaintiff the United States of America (the “Government”) having opposed the motions and also moved for reciprocal discovery pursuant to Federal Rule of Criminal Procedure 16(b); and the Court having considered the papers filed by the parties and having heard the arguments of counsel; and for the reasons expressed by the Court on the record on July 7, 2010,

IT IS on this 9th day of July, 2010,

ORDERED that Defendant Michael A. Sciarra’s motion to dismiss the Indictment

against him be and hereby is **DENIED**; and it is further

ORDERED that Defendant Michael A. Sciarra's motion for severance of the case against him from the case against his Co-Defendants pursuant to Rule 14 of the Federal Rules of Criminal Procedure be and hereby is **DENIED**; and it is further

ORDERED that Counts One through Six of the Indictment be and hereby are **SEVERED** from Counts 7 and 8; and it is further

ORDERED that, in light of the Government's representation that it possesses no *Brady* material but would produce it in a timely manner should it become aware of any such material, the motion for production of *Brady* material be and hereby is **DENIED**; and it is further

ORDERED that the Government will provide *Giglio* material at least five days prior to each witness's testimony; and it is further

ORDERED that the Government will provide *Jencks* material at least five days prior to each witness's testimony; and it is further

ORDERED that the Government will provide Rule 404(b) evidence at least two weeks before trial; and it is further

ORDERED that the Government will provide final transcripts and all documentary evidence which the Government intends to use at trial at least 45 days before trial; and it is further

ORDERED that the motion for an order to compel the Government to produce its witness list be and hereby is **DENIED**; and it is further

ORDERED that in light of the Government's agreement, the motion to compel the Government to preserve all rough notes, reports, drafts and final reports prepared by any

Government Agent or witness in connection with the investigation of this case be and hereby is **DENIED AS MOOT**; and it is further

ORDERED that the motion for an order directing the Government to redact any post arrest statements made by the Co-Defendants which inculcate Michael A. Sciarra be and hereby is **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that the motion for a hearing to determine the admissibility of all tape recordings be and hereby is **DENIED**; and it is further

ORDERED that the motion for a pre-trial hearing to determine the existence of a conspiracy be and hereby is **DENIED**; and it is further

ORDERED that the motion for an order directing the Government to disclose all conspirators' statements the Government intends to use at trial be and hereby is **DENIED**; and it is further

ORDERED that the motion for an order directing the Government to disclose the names of all informants who were present when any of the acts alleged in the Indictment took place be and hereby is **GRANTED** only to the extent that the Government shall advise Defendants whether any such informants exist; and it is further

ORDERED that the motion to compel the Government to produce Rule 16(a)(1) evidence be and hereby is **DENIED AS MOOT**; and it is further

ORDERED that the motions by both Michael A. Sciarra and Michael C. Sciarra for an order directing the Government to produce a Bill of Particulars be and hereby are **DENIED**; and it is further

ORDERED that the Government's motion for reciprocal discovery pursuant to Federal Rule of Criminal Procedure 16(b) be and hereby is **GRANTED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge